

AMENDED IN SENATE JUNE 15, 2016

Senate Concurrent Resolution

No. 144

**Introduced by Senator Gaines
(Coauthors: Senators Bates and Huff)**

May 17, 2016

Senate Concurrent Resolution No. 144—Relative to Fireworks Safety Month.

LEGISLATIVE COUNSEL'S DIGEST

SCR 144, as amended, Gaines. Fireworks Safety Month.

This measure would designate June 21, 2016, through July 21, 2016, as Fireworks Safety Month and would urge the Department of Forestry and Fire Protection and local fire protection agencies to educate the public about *safe and responsible use of* fireworks that have been approved as “safe and sane” and about the risks of improperly using fireworks and of high fines for using or selling illegal fireworks.

Fiscal committee: yes.

1 WHEREAS, Many Californians and visitors to our state will
2 use fireworks to celebrate our nation’s independence on the Fourth
3 of July; and
4 WHEREAS, At least 10 people died in 2014 as a result of
5 fireworks-related injuries either through direct contact with
6 fireworks or in house fires started by fireworks; and
7 ~~WHEREAS, Fireworks were involved in an estimated 10,500~~
8 ~~additional injuries treated in United States hospital emergency~~
9 ~~rooms in 2014—about 67 percent of which were treated between~~
10 ~~June 21 and July 21; and~~

1 WHEREAS, Children younger than 15 years of age accounted
2 for approximately 35 percent of fireworks-related injuries,
3 including 1,400 injuries caused by sparklers, 1,400 injuries caused
4 by firecrackers, and 100 injuries caused by bottle rockets overall;
5 and

6 WHEREAS, The parts of the body most often injured were
7 hands, fingers, eyes, legs, the face, and head, which potentially
8 results in lifelong disabilities for those injured; and

9 WHEREAS, Bodily injury is not the only damage that can occur
10 from improper use of fireworks. The Department of Forestry and
11 Fire Protection (CalFire) has stated that improper use of fireworks
12 has caused or contributed to wildfires throughout the state; and

13 ~~WHEREAS, Because CalFire responded to 6,335 wildfires~~
14 ~~between January 2015 and December 2015 that burned 307,958~~
15 ~~acres at an estimated cost of \$209 million, eliminating any single~~
16 ~~source of wildfires is important in saving lives, property, and state~~
17 ~~funds; and~~

18 *WHEREAS, Despite the fact that local jurisdictions have*
19 *dedicated enforcement efforts and that the Office of the State Fire*
20 *Marshal has statewide safety and education efforts, both of which*
21 *have contributed to a reduction in the number of fireworks-related*
22 *incidents, illegal fireworks still remain “Public Enemy No. 1 for*
23 *the Fire Service”; and*

24 *WHEREAS, Law enforcement agencies and fire departments*
25 *are using every tool at their disposal to cut off the supply of illegal*
26 *fireworks and stop this illegal activity in its tracks. All Californians*
27 *can help their local and state public safety agencies by only using*
28 *“safe and sane fireworks” in the jurisdictions where they are*
29 *permitted to be sold and used, and by reporting any illegal activity*
30 *that they see; and*

31 *WHEREAS, The dynamics of the illegal fireworks problem in*
32 *California have changed dramatically over the last 15 to 20 years.*
33 *While 20 years ago, the primary focus of public safety agencies*
34 *was illegal bottle rockets and firecrackers, today the use of these*
35 *items is dwarfed by the heavy importation and use of aerial shells*
36 *rivaling or surpassing those used at sanctioned public fireworks*
37 *displays; and*

38 *WHEREAS, It takes a massive coordinated effort between state,*
39 *federal, and local agencies to stop the supply of these illegal items*
40 *coming across our state’s borders and to provide the means for*

1 *public safety agencies to stop the illegal product and confiscate*
2 *the illegal product from the casual user, and, more importantly,*
3 *to stop, arrest, and prosecute those who are engaged in the felony*
4 *possession, use, or sale of these dangerous, illegal fireworks; and*

5 *WHEREAS, California law allows each city or county to*
6 *determine whether it will permit “safe and sane fireworks” to be*
7 *sold or used in its jurisdiction. California law states that these*
8 *“safe and sane fireworks” may be sold only between June 28 and*
9 *July 6 of each year; and*

10 *WHEREAS, CalFire has urged all people in California to join*
11 *sanctioned public fireworks displays to celebrate the Fourth of*
12 *July rather than using fireworks at their homes or in other*
13 *unprotected, unsupervised areas; July; and*

14 *WHEREAS, Users of illegal fireworks can cause severe damage*
15 *and significant injuries at a time of year when we should all be*
16 *celebrating this special occasion, not engaging in destructive,*
17 *criminal behavior; and*

18 *WHEREAS, CalFire has stated that in order for consumer*
19 *fireworks to be used by the public, the fireworks firework item*
20 *must be included on CalFire’s the State Fire Marshal’s “safe and*
21 *sane” list and must also be authorized by local fire agencies the*
22 *city, county, or fire district in the area location where the fireworks*
23 *will be used; and*

24 *WHEREAS, Possession As a result of Senate Bill 839 of 2007,*
25 *which took effect on January 1, 2008, possession of up to 25*
26 *pounds gross weight of illegal fireworks is may be subject to a*
27 *minimum penalty of \$500, but and up to a penalty of \$1,000 and*
28 *imprisonment in a county jail for one year. Modification of any*
29 *fireworks to create an explosive device can result in much more*
30 *severe criminal penalties, including fines of up to \$50,000 plus*
31 *imprisonment; now, therefore, be it year; and*

32 *WHEREAS, Modification of any fireworks to create an explosive*
33 *device can result in much more severe criminal penalties, including*
34 *fines of up to \$50,000 and imprisonment; now, therefore, be it*

35 *Resolved by the Senate of the State of California, the Assembly*
36 *thereof concurring, That the Legislature designates June 21, 2016,*
37 *through July 21, 2016, as Fireworks Safety Month; and, be it*
38 *further*

39 *Resolved, That the Legislature urges CalFire and local fire*
40 *protection agencies to educate members of the public about safe*

1 *and responsible use of* fireworks that have been approved as “safe
2 ~~and sane” and about the risks of improperly using fireworks; sane”;~~
3 and, be it further

4 *Resolved*, That the Legislature requests these agencies to advise
5 the public about the high fines for use or sale of illegal fireworks,
6 in addition to the risks of paying for wildfire damage caused by
7 improper or illegal use of fireworks; and, be it further

8 *Resolved*, That the Secretary of the Senate transmit copies of
9 this resolution to the author for appropriate distribution.